

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

RONALDO DESIGNER JEWELRY, INC.

PLAINTIFF

VS.

CIVIL ACTION NO. 1:17cv2-DMB-DAS

JAMES B. COX, ET AL.

DEFENDANT

ORDER DISMISSING MOTIONS TO QUASH

Before the court is Plaintiff's [232] Motion to Quash Subpoena served on LeachGarner, Inc. and [234] Motion to Quash Subpoena served on Rio Grande. Both subpoenas were issued by this Court. However, the subpoena to LeachGarner, whose place of business is in Attleboro, Massachusetts, commands production at the Rashauna Norment Law Firm in Little Rock, Arkansas. Similarly, the subpoena to Rio Grande, whose place of business is Albuquerque, New Mexico, commands production at the Rashauna Norment Law Firm in Little Rock, Arkansas. Plaintiff moves to quash these subpoenas for violating the "hundred mile" rule. Fed. R. Civ. P. 45 (c)(2)(A) ("A subpoena may command . . . production of documents electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person.").

The court finds that the instant motions to quash must be dismissed. Rule 45(a)(2) requires that "[a] subpoena must issue from the court where the action is pending." Fed. R. Civ. P. 45(a)(2). However, "[o]n timely motion, the court for the district *where compliance is required* must quash or modify a subpoena that . . . requires a person to comply beyond the geographical limits specified in Rule 45(c)." Fed. R. Civ. P. 45(d)(3)(A)(ii) (emphasis added). As previously stated, the subpoenas command production in Little Rock, Arkansas. Therefore,

while the subpoenas properly issued from this court, where the action is pending, the court of compliance presides over disputes concerning production. *See Johnson v. Simmons*, 2015 WL 2155714 at * 1 (S.D. Miss. May 7, 2015) (citing *Martensen v. Kock*, 301 F.R.D. 562, 586 (D. Colo. 2014)).

IT IS, THEREFORE, ORDERED that Plaintiff's Motions to Quash [232 and 234] are DISMISSED.

SO ORDERED, this the 30th day of January, 2019.

/s/ David A. Sanders

UNITED STATES MAGISTRATE JUDGE